

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)

American Heritage Land Development, L.L.C.)
The Bluffs of Romaine)

Respondent)
_____)

Docket No. CWA-07-2003-0279

ORDER AUTHORIZING FACSIMILE FILING

Pursuant to 40 C.F.R. §22.5(a)(1), facsimile filing of the telefaxed signature page (page 4) of the Consent Agreement and Final Order in this proceeding is hereby authorized.

Dated: February 16, 2004



Robert L. Patrick
Regional Judicial Officer

IN THE MATTER OF, American Heritage Land Development, L.L.C., The Bluffs of Romaine,
Respondent
Docket No. CWA-07-2003-0279

CERTIFICATE OF SERVICE

I certify that the foregoing Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Liz Huston
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Facsimile and First Class Pouch Mail to:

Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

and

Honorable Barbara A. Gunning
Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Christopher J. Petri, Esq
Gallop, Johnson & Neuman, L.C.
101 South Hanley, Suite 1600
St. Louis, Missouri 63105

Dated: 2/18/04



Kathy Robinson
Regional Hearing Clerk

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF

Proceedings under Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

1

II. CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this Consent Agreement and the Final Order set forth below.
2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.
3. Respondent agrees not to contest the terms and conditions set forth in this CAFO in this or subsequent proceedings to enforce the terms of this CAFO, and agrees not to appeal the Final Order set forth below.
4. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in the Complaint.
5. EPA has considered the appropriateness of the penalty pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and has determined that the appropriate penalty for settlement of the violations set forth in the Complaint is Twelve Thousand and Twenty-eight Dollars (\$12,028). Payment of this penalty shall satisfy all claims arising out of the facts alleged in the Complaint.
6. Respondent consents to the issuance of the Order hereinafter recited and consents to the payment of the civil penalty as set forth in the Final Order.
7. Respondent's failure to pay the civil penalty assessed herein in accordance with the provisions of this Order may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs and interest thereon at the applicable statutory rate.
8. Respondent and EPA each agree to bear their own costs and attorneys' fees.
9. Each signatory of this CAFO certifies he or she is fully authorized to enter into the terms of the CAFO.
10. Respondent certifies by the signing of this CAFO that it is in compliance with the requirements of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

III. FINAL ORDER

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Twelve Thousand and Twenty-Eight Dollars (\$12,028) to be paid in two equal installments of Six Thousand and Fourteen Dollars (\$6,014). The first installment shall be paid on or before March 17, 2004. The second and final installment shall be paid on or before April 17, 2004. Payment shall be by cashier's or certified check, made payable to "Treasurer, United States of America," and referencing EPA Docket No. CWA-07-2003-0279, and remitted to:

EPA - Region VII
Attn.: Regional Hearing Clerk
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

Copies of the check shall be mailed to:

Liz Huston
Assistant Regional Counsel
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

and

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

2. Compliance with the terms of this CAFO satisfies all claims arising out of the facts alleged in the Complaint. This CAFO shall terminate after satisfaction by Respondent of the requirements of this Final Order.

3. This executed CAFO shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

In the Matter of:
American Heritage Land Development L.L.C.
Consent Agreement/Final Order

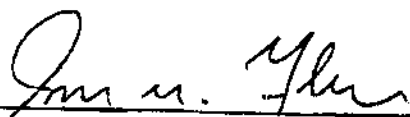
For the Respondent:

American Heritage Land Development L.L.C.
By:
Title:

Date

In the Matter of:
American Heritage Land Development L.L.C.
Consent Agreement/Final Order

For the Respondent:

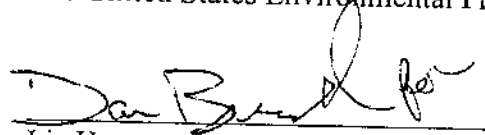

American Heritage Land Development L.L.C.
By: Sean M. Flower
Title: COO

2/17/04
Date

In the Matter of:
American Heritage Land Development L.L.C.
Consent Agreement/Final Order

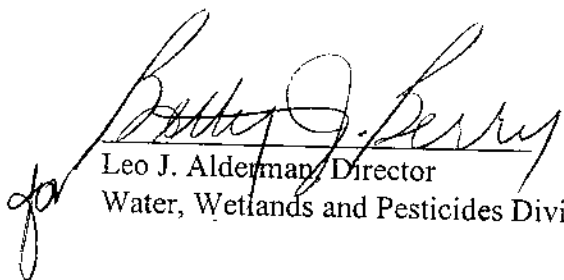
For the Complainant:

The United States Environmental Protection Agency



Liz Huston
Assistant Regional Counsel

2/18/2004
Date



Leo J. Alderman, Director
Water, Wetlands and Pesticides Division

02/18/04
Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.



Robert Patrick
Regional Judicial Officer

February 18, 2004
Date

IN THE MATTER OF, American Heritage Land Development, L.L.C., The Bluffs of Romaine,
Respondent
Docket No. CWA-07-2003-0279

CERTIFICATE OF SERVICE

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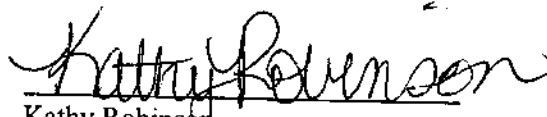
and

Honorable Barbara A. Gunning
Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Return Receipt Requested, to:

Christopher J. Petri, Esq
Gallop, Johnson & Neuman, L.C.
101 South Hanley, Suite 1600
St. Louis, Missouri 63105

Dated: 2/18/04


Kathy Robinson
Regional Hearing Clerk